(G.C.P.)J 455 (5,00,000)-11.2001) Spl-H.C.,A.S.,C.D.,78e

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL WRIT PETITION NO.2470 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions and Registrar's order.	Court's or Judge's orders

Shri R.V.More for the petitioner.

Ms P.H.Kantharia, APP for respondents.

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CORAM : R.M.S.KHANDEPARKAR &
P.V.KAKADE, JJ.

DATED : 10th JANUARY, 2005.

P.C.

. Heard the learned Advocate for the Petitioner and the learned Advocate for the Respondents. The Petitioner challenges the decision passed by the State Government for recommendation of the withdrawal of the prosecution against one Shri Vaibhav Naganath Naikvadi and others, pursuant to the C.R.No.44 of 2003 and in the matter of Criminal Case No.215 of 2003 pending in the Court at Islampur. Since the matter is yet to be considered by the trial Court in relation to the withdrawal of the prosecution, in our considered opinion, it

is too premature for us to entertain the present petition against the said decision of the State Government. Considering the scope of the provisions of Section 321 of the Code of Criminal Procedure and the matter is yet to be decided by the trial Court, we do not think it fit to entertain the present petition, at this stage, and on that count alone, the petition being premature is dismissed. Needless to say that in case the petitioner is aggrieved by the ultimate order which is to be passed by the trial Court in the matter, certainly the petitioner would be entitled to pursue the legal remedy available to him.

(R.M.S.KHANDEPARKAR, J)

(P.V.KAKADE, J)